

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F211470

SHERRIE BLACK,
EMPLOYEE

CLAIMANT

WORK SOURCE, INC.,
EMPLOYER

RESPONDENT

EMPLOYERS INSURANCE CO. OF WAUSAU,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JANUARY 13, 2004

Upon review before the FULL COMMISSION in Little Rock,
Pulaski County, Arkansas.

Claimant represented by the HONORABLE MICHAEL HAMBY,
Attorney at Law, Greenwood, Arkansas.

Respondents represented by the HONORABLE JAMES A. ARNOLD, II
and the HONORABLE JEFFREY RICKARD, Attorneys at Law, Fort
Smith, Arkansas.

ORDER

This matter is currently before the Full Commission on
the respondents' Motion to Dismiss Claimant's Appeal to the
Arkansas Court of Appeals. The claimant has filed no
response to this motion.

This matter is currently pending before the Arkansas
Court of Appeals and the Commission has no jurisdiction.
After duly considering the respondents' motion and all other
matters properly before the Commission, we find that we do

not have authority to dismiss the appeal. Pursuant to Ark. R. App. P. Rule 3(b), this Commission can dismiss an appeal to the Court of Appeals only if the motion to dismiss is filed with the Commission before the record is docketed with the Court, and if all parties to the appeal petition for dismissal and jointly stipulate that the case is to be dismissed. In Re Arkansas Rules of Appellate Procedure 3(b).

In the present case, the claimant and the respondents have not jointly stipulated to dismiss the appeal. Because the Commission is without jurisdiction over this claim, we have no authority to grant the respondents' motion. Therefore, we find that the respondents' Motion to Dismiss Claimant's Appeal to the Arkansas Court of Appeals must be and hereby is denied. The respondents' motion must be made to the Court of Appeals.

_____IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner

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